

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION**

Elizabeth HUNTER; et al., on behalf of
themselves and all others similarly situated,

Plaintiffs,

V.

U.S. DEPARTMENT OF EDUCATION and
Suzanne GOLDBERG, in her official capacity as
Acting Assistant Secretary for Civil Rights,
U.S. Department of Education,

Defendants.

Civil Action No. 6:21-cv-00474-AA

DECLARATION OF ALEX DURON

I, Alex Duron, declare:

1. I am over 18 years of age and have personal knowledge of the matters stated in this declaration and would testify truthfully to them if called upon to do so.
2. I am currently a resident of Fresno, California.
3. I am originally from El Paso, Texas.
4. I grew up in a Latinx, Catholic family and remain Catholic myself.
5. I am bilingual in Spanish and English.
6. I am the only member of my family who graduated from high school and went to college.
7. I am also a gay man. I came out around the age of 25. I am now 39.
8. My partner and I have been together for nearly four years. We have been engaged since January of 2020.
9. I received an Associate Degree of Nursing from San Antonio College.
10. I received a Bachelor of Science in Nursing (BSN) degree in 2015 from the University of Texas, Arlington.
11. I worked as an ICU nurse in San Antonio, Texas for about six and a half years before I applied for my Doctor of Nursing Practice Degree (DNP) with a concentration in Nurse Anesthesia.
12. The DNP is a terminal degree that takes three years to complete.

13. As an ICU nurse with more than six years of experience, I knew that I possessed knowledge and experience that, without an additional degree, I was not allowed to fully use.
14. In the fall of 2019, I applied to several universities for my doctorate, including Union University in Jackson, Tennessee.
15. During the application process, I described my prior nursing experience and degrees. I also listed my same-sex partner as my emergency contact.
16. In November 2019, I was invited to the on-campus interview process. During this interview process, I demonstrated to Union that I had the skills, knowledge and drive needed to complete the program.
17. Union asked me about my relationship with Christ and how I thought about faith. I told them about my religious beliefs and how when I work with the human body in my job, I am reminded that there is a higher power that has created us.
18. About a week after on my on-campus interview, I received a call from the director of the program informing me that I had been admitted.
19. I felt so proud about getting into the program. I told my partner and my mother and they were very proud of me.
20. I immediately decided that I was going to accept my admission to Union.
21. I paid the \$1,300 to reserve my space in the program.
22. I chose Union for a variety of reasons, including the smaller cohort size. Union's DNP program is highly competitive program. They only admit 30 students.
23. I also chose Union because I had coworkers who had attended Union's program and I really connected with the teachers and director of the program at Union.
24. I planned to live on campus with some roommates at the beginning of my studies.
25. My partner planned to join me later on but I wanted to focus on my studies during that first semester. We had also recently purchased a home back in Texas and my partner had started a new job, so it made more sense to live apart for awhile.
26. Union assigned me a room in their graduate student housing.
27. I sold my car prior to moving to Union in preparation to start this new stage of my life.
28. My program at Union would have started in August of 2020. Everything was lined up and I was ready to go.
29. However, on a Saturday in July of 2020, I received an unexpected email from the Provost at Union University.

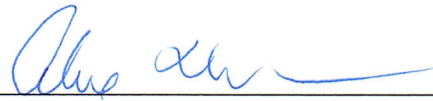
30. I received this email less than a week before my on-campus orientation at Union. I had already booked an Airbnb for the orientation in Jackson, TN.
31. I remember the moment I received this email vividly. I was leaving the gym on a Saturday morning when I opened it. The email was short. In a few sentences, the Provost told me that Union had rescinded their offer of acceptance to their DNP program.
32. I went into shock. I felt like I was going to pass out. When I got home, I fell apart and broke down. I went into our closet, closed the door, turned the lights off and cried.
33. My future was ripped away from me. It felt like all my work as a ICU nurse and all my prior degrees meant nothing.
34. I was embarrassed. I had already quit my job. I had already told my family and my colleagues.
35. At this point, only days before my orientation at Union, there was no time for me to get into another DNP program.
36. I didn't understand what was happening to me. I am a straight passing man and had not been treated differently for being gay before. This was the first time I had experienced the sting of ant-gay discrimination.
37. Once I realized that I had been discriminated against, I started to process what had happened to me. I began to identify with the broader LGBTQ+ community and the history of discrimination against our community.
38. My partner and I started researching whether what Union did to me was legal. As we researched, we learned about the religious exemption to Title IX. We found the religious exemption request and response letters online between Union University and the U.S. Department of Education authorizing Union to discriminate against me.
39. We felt like there was nothing we could do.
40. So, I posted online about what happened to me. Many people rallied around me, including the medical community.
41. We don't know for sure how I went from admitted at Union one day to rejected the next. However, we know that union researched the social media of me and my partner.
42. This may have arisen because, shortly before the rejection email, Union had called me and asked me where I was going to live. I told them that I would live in the dorms. Union asked for the deposit of \$100, which I provided.
43. Union also said that they have family housing. They asked whether I was married. I said "no," but that I was engaged. Union then told me that I did not qualify for married housing because I was only engaged. I was fine with that.

44. I'm not sure how, but someone at Union determined that I was gay and was engaged to another man and that I needed to be expelled because of this.
45. After my story became public, other DNP programs starting reaching out to me and encouraged me to apply. I wasn't read right away, as I was still dealing with the shock of Union's discrimination.
46. About a month after Union rescinded my admission, I took a FEMA contract to treat Covid patients in San Antonio.
47. Eventually, I applied to other DNP programs and I am enrolled in a DNP program in Fresno, California.
48. I should never have been put in this situation.
49. Union's doctorate program is accredited by The Council on Accreditation of Nurse Anesthesia Educational Programs (COA). COA prohibits discrimination on the basis of sexual orientation in the admission to its programs.
50. Union has "Community Values Statements", also included in the student handbook that goes to all students. These statements address a number of the school's moral and ethical standards, including when it comes to LGBTQ+ students.
51. There is a paragraph in the current statement on "Sexually Impure Relationships" in the "Community Values Statements". This policy states: "Sexually impure relationships include but are not limited to participation in or appearance of engaging in premarital sex, extramarital sex, homosexual activities, or cohabitation. Union affirms that sexual relationships are designed by God to be expressed solely within a marriage between a man and a woman. The Bible condemns all sexual relationships outside of marriage (Matt. 5:27-29; Gal. 5:19). The promotion, advocacy, defense or ongoing practice of a homosexual lifestyle (including same-sex dating behaviors) is also contrary to our community values. Homosexual behaviors, even in the context of a marriage, remain outside Union's community values. We seek to help students who face all types of sexual temptation, encouraging single students to live chaste, celibate lives, and encouraging married students to be faithful to their marriage and their spouse."
52. The policy was largely the same when I applied but it also included a prohibition on "homosexuality" in addition to the prohibition on "homosexual activities." It also did not include the section stating that "Homosexual behaviors, even in the context of a marriage, remain outside Union's community values."
53. Classmates in the cohort I was supposed to be in, and other students at Union, supported me but they were scared bout being able to comment on my Facebook post because, under the student handbook, they could be kicked out for "promotion, advocacy, or defense" of me as a gay man engaged to another man.
54. There are other LGBTQ+ students on campus at Union right now. Several current LGBTQ+ students reached out to me after my story came out, including very young

students who told me they were suicidal and struggling at Union. One LGBTQ+ student told me that another student had turned them into the administration as being gay and had to attend meetings with the administration.

55. The policy goes on to address transgender students in a "Gender Identity" paragraph which states: "Union adheres to the biblical tenet that God created only two genders, that He fashioned each one of us and thus designated our gender/sex. Therefore, identifying oneself as a gender other than the gender assigned by God at birth is in opposition to the University's community values. Further, engaging in activities or making any efforts to distinguish or convert one's gender/sex to something other than the gender/sex to which you were biologically born and which was God-given (i.e. transvestites, transsexuals, transgenders, etc.) is prohibited."
56. Union's policies denied me access to the federally-funded nursing program of my choice. A federally funded institution should not be able to pick and choose who can receive an education.
57. I should have been protected by Title IX, but I was not because of a religious exemption.
58. I am a federal taxpayer. I also took out student loans from the U.S. Department of Education to attend Union.
59. Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed this 7th day of March, 2021.

By:



Alex Duron